

# Government Investigations 2022

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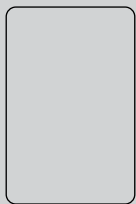
**Published by**

Law Business Research Ltd  
Meridian House, 34-35 Farringdon Street  
London, EC4A 4HL, UK

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First published 2014  
Eighth edition  
ISBN 978-1-83862-667-9

Printed and distributed by  
Encompass Print Solutions  
Tel: 0844 2480 112



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**Contributing editor****John D Buretta****Cravath, Swaine & Moore LLP**

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Lexology Getting The Deal Through is delighted to publish the eighth edition of *Government Investigations*, which is available in print and online at [www.lexology.com/gtdt](http://www.lexology.com/gtdt).

Lexology Getting The Deal Through provides international expert analysis in key areas of law, practice and regulation for corporate counsel, cross-border legal practitioners, and company directors and officers.

Throughout this edition, and following the unique Lexology Getting The Deal Through format, the same key questions are answered by leading practitioners in each of the jurisdictions featured.

Lexology Getting The Deal Through titles are published annually in print. Please ensure you are referring to the latest edition or to the online version at [www.lexology.com/gtdt](http://www.lexology.com/gtdt).

Every effort has been made to cover all matters of concern to readers. However, specific legal advice should always be sought from experienced local advisers.

Lexology Getting The Deal Through gratefully acknowledges the efforts of all the contributors to this volume, who were chosen for their recognised expertise. We also extend special thanks to the contributing editor, John D Buretta of Cravath, Swaine & Moore LLP, for his assistance with this volume.



London  
July 2021

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This article was first published in July 2021  
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# Global overview

**John D Buretta**

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Government investigations continue to expand in global reach, spreading across industries and subjects and growing in complexity. Lexology *Getting The Deal Through: Government Investigations 2022* – a practitioner's guide to civil and criminal investigations of corporate entities around the world – will therefore undoubtedly serve as a valuable resource to business organisations when confronting investigative matters.

Authorities around the world continue to identify corruption as an endemic problem that requires robust deterrence. In a White House memorandum issued on 3 June 2021, the new US administration prioritised domestic and foreign corruption as a national security concern, requiring a whole-of-government response across multiple federal agencies. Companies can anticipate an even more intensive US focus on the Foreign Corrupt Practices Act and other corruption-related investigations in the wake of this new directive. Enforcement authorities in numerous other jurisdictions have also emphasised anti-corruption initiatives, and increasingly have been pursuing corporate and individual participants in corrupt acts. Coordination and sometimes conflict across jurisdictions regarding corruption matters will naturally evolve.

Trade restriction enforcement is also taking on greater prominence, as various nations seek to use full trade embargos and other, more tailored sanctions in pursuit of geopolitical goals, ranging from deterring nuclear proliferation and cyber warfare to promoting human rights and democratic process. Enforcement agencies in numerous countries now routinely pursue investigations of potential violations of these restrictions to ensure full compliance.

Many countries, as well as multinational regulatory bodies, have pivoted to more active scrutiny of potential antitrust violations, especially towards technology companies perceived to have amassed concentrated market power through user data, application platforms and other features of big tech. One interesting question that events over the coming year may raise is whether enforcers looking at this industry segment under the microscope will pursue a more coordinated approach to remedies when the same misconduct is detected across different territories.

While many countries are pushing for greater transparency in financial transactions to clamp down on money laundering, a greater volume of wealth transfer is occurring through cryptocurrencies, which have for some become the clear choice to obfuscate financial transactions. Law enforcement agencies in many countries are grappling with effective detection and enforcement methods in this evolving space.

There is a clear trajectory to investigations this year – they are increasing and they are more complex – and there is ample opportunity for law enforcement authorities and regulators to continue to strengthen collaboration with their foreign counterparts. Corporate entities suspected of wrongdoing, regardless of their size or global reach, are likely to face enquiries from enforcement agencies that are not limited to a single forum. We hope that this eighth edition of *Lexology Getting The Deal Through – Government Investigations* serves as a helpful introduction and reference tool for those situations.

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